

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA,

**Case No. 8:03-CR-77-T-30TBM**

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

\_\_\_\_\_ /

**MOTION OF SAMI AMIN AL-ARIAN FOR LEAVE  
TO FILE MOTION TO DISMISS INDICTMENT FOR  
UTILIZATION OF FOREIGN WIRETAP**

COMES NOW the Accused, Dr. Sami Amin Al-Arian, by and through undersigned counsel, pursuant to Court Order and Local Rule 3.01 (b), hereby moves this Honorable Court for the entry of an Order permitting the Accused to file a Motion to Dismiss the Indictment. The grounds for this motion are as follows:

1. On August 4, 2004, this Honorable Court ordered “no party shall file any further motions to dismiss...without obtaining leave of this Court.” Doc. 593; August 4, 2004 Order of Hon. James S. Moody, Jr.
2. In recent discovery letters, the government has refused to inform the Accused whether they have relied upon the utilization of foreign wiretaps in the prosecution of this case. The defense has information that the government has indeed relied upon evidence gathered from foreign wiretaps, in this case, the government of Israel. Any such use of foreign

wiretaps may be in contravention of the protections of the United States Constitution and therefore, illegal.

3. The Accused intends to file a Motion to Dismiss the Indictment for Utilization of Foreign Wiretap with the discovery letters as attachments.

**WHEREFORE**, for the foregoing reasons, the Accused's Motion for Leave to File Motion to Dismiss Indictment for Utilization of Foreign Wiretap should be granted.

Dated: 9 February 2005

Respectfully submitted,

/s/ Linda Moreno  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9th February, 2005, a true and correct copy of the foregoing has been furnished, by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Kevin Beck, Assistant Federal Public Defender, M. Allison Guagliardo, Assistant Federal Public Defender, counsel for Hatim Fariz; Bruce Howie, Counsel for Ghassan Ballut, and to Stephen N. Bernstein, P.O. Box 1642, Gainesville, Florida 32602, counsel for Sameeh Hammoudeh.

/s/ Linda Moreno  
Linda Moreno  
Attorney for Sami Al-Arian